

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 11/16/04

AGENDA ITEM 1

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Resolution of Intention to Vacate Burbank Street between "B" Street and "C" Street, and "C" Street between Burbank Street and Filbert Street

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution of Intention to vacate portions of Burbank Street and "C" Street to accommodate the future Burbank School site and setting a Public Hearing date of December 7, 2004.

DISCUSSION:

With the development of the Cannery Area and construction of a new Burbank School, there is the need to vacate portions of Burbank and "C" Streets as shown in Exhibit A. After vacation of the street right-of-way (R/W), the City will continue to own the underlying property. Transfer of this property to the Hayward Unified School District for the new Burbank School will occur at a future date.

There are public utilities within the areas of street to be vacated. Because of the planned future construction, these public utilities will require relocation by the various utility owners. Action by the City to vacate the street R/W at this time will allow the utility companies to plan now for the relocation of their facilities, which will need to be completed prior to the construction of the Burbank School. The effective date of the street vacation will coincide with the closure of the streets, which will not occur until construction of the school begins. The school construction is planned to begin in the late Spring of 2006.

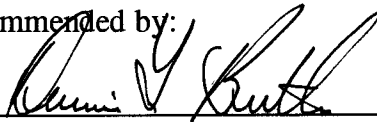
Under the California Environmental Quality Act Guidelines (CEQA), Section 15305, Class 5, Minor Alterations of Land Use Limitations and City Guidelines, the vacation of excess right-of-way is exempt from the application of CEQA.

On November 4, 2004, the Planning Commission reviewed this proposal, found it to be consistent with the General Plan and unanimously recommended its approval to Council. Notice of this proposal was published in the Daily Review and notices were posted on the affected streets, as required by law.

Prepared by:


Robert A. Bauman, Deputy Director of Public Works

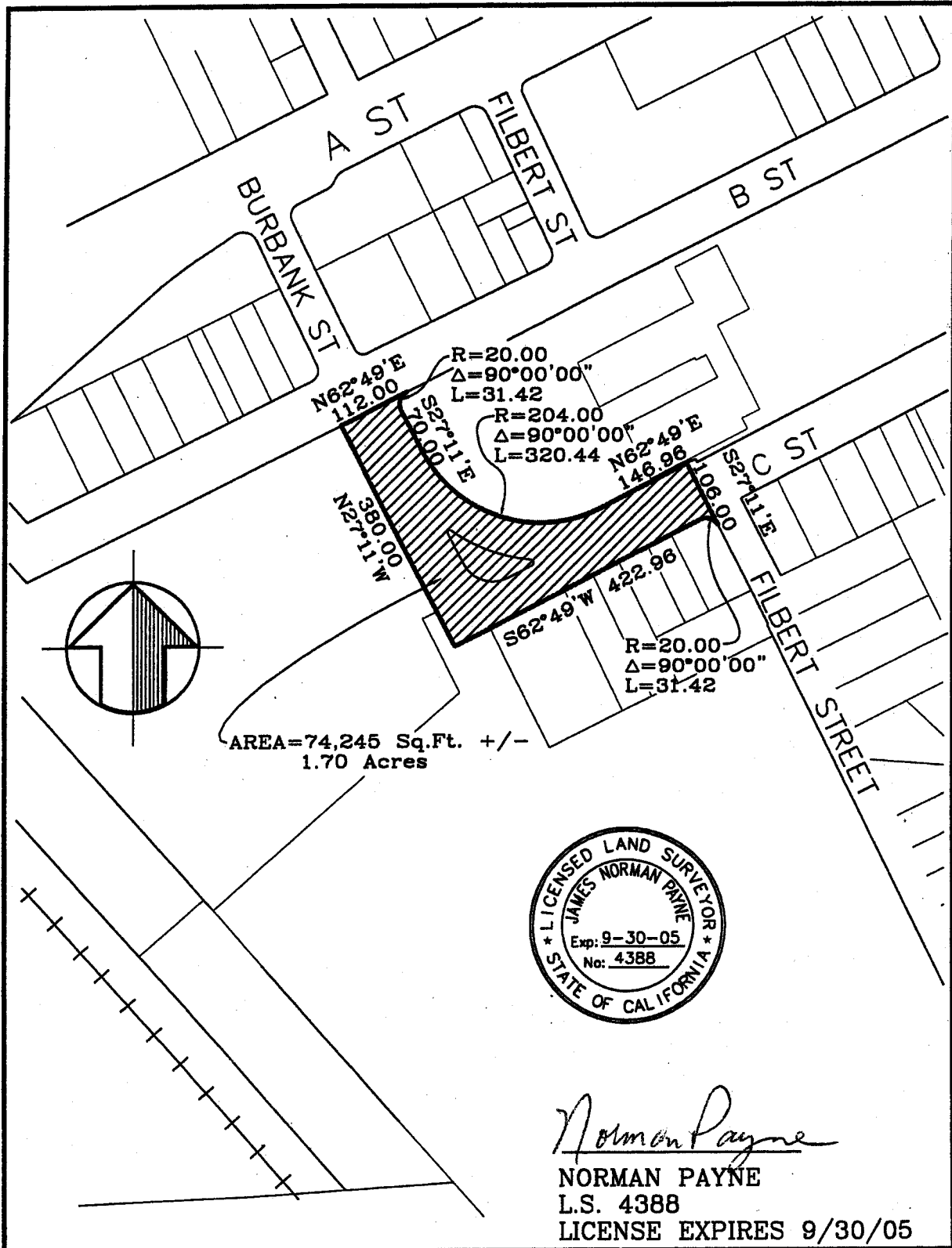
Recommended by:


Dennis L. Butler, Director of Public Works

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A: Plat of Vacation



CITY OF HAYWARD ENGINEERING DIVISION				VACATION OF POR. BURBANK ST. & POR. "C" ST.		DWG. NO. 04046
REV	DATE	BY				FILED
			DRAWN BY: JNP	DATE 9-28-04		
			CHECKED BY: JNP	SCALE: 1"=200'		
			APPD. BY:	APPROVED		
			CITY ENGINEER	DIR. PUBLIC WORKS		SHT. 1 of 1

Exhibit A

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Council Member Henson

**RESOLUTION DECLARING AN INTENTION TO VACATE
BURBANK STREET BETWEEN "B" STREET AND "C"
STREET AND "C" STREET BETWEEN BURBANK STREET
AND FILBERT STREET AND SETTING THE DATE AND
TIME OF THE PUBLIC HEARING**

WHEREAS, the City Council proposes to vacate its roadway easement in Burbank Street between "B" Street and "C" Street and "C" Street between Burbank Street and Filbert Street to accommodate the future Burbank School site; and

WHEREAS, such proposal was heard by the Planning Commission on November 4, 2004, and referred to the City Council with a recommendation for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

1. That the City Council does hereby declare its intention to vacate its roadway easement in Burbank Street between "B" Street and "C" Street, and "C" Street between Burbank Street and Filbert Street;
2. That these vacation proceedings are conducted pursuant to Section 8320 et seq. of the California Streets and Highways Code; and
3. That reference is hereby made to the map on file in the office of the City Clerk for further particulars as to the proposed vacation and description of the area to be vacated, attached hereto as Exhibit "A"; and
4. That Tuesday, December 7, 2004, at the hour of 8:00 p.m., in the Council Chambers at 777 B Street, Hayward, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation; and
5. That copies of this resolution of intention shall be posted conspicuously along the lines of the subject easement or parts thereof proposed to be vacated at least two weeks before the date set for hearing, and be posted no more than 300 feet apart; but, in any event, at least three copies of this resolution of intention shall be posted; and

6. That a copy of this resolution of intention shall be published in The Daily Review, a newspaper of general circulation, once each week during two successive weeks prior to the hearing, pursuant to Streets and Highways Code section 8322(c)(1).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward